

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. GRADFORD,

Plaintiff,

v.

F. VELASCO and T. WEBSTER,

Defendants.

No. 1:20-cv-00543-NONE-EPG (PC)

ORDER DENYING MOTION FOR LEAVE
TO FILE REPLY TO DEFENDANTS'
ANSWER

(ECF No. 21)

On October 30, 2020, Defendants F. Velasco and T. Webster filed an answer to Plaintiff William J. Gradford's complaint. On November 12, 2020, Plaintiff filed a "Request to File Plaintiff's Reply Brief to Answering [sic] Defendants in this Case" (ECF No. 21), which the Court will treat as a motion for leave to file a reply brief, and a corresponding reply brief (ECF No. 22).

In his motion, Plaintiff discusses his attempts to serve a reply brief to Defendants' answer "before the deadline." (ECF No. 21 at 1). However, there is no deadline to file a response to the answer. Currently, the pending deadlines for Plaintiff are to exchange initial disclosures and file a scheduling conference statement. (*See* ECF No. 20). There is no need to file a reply to Defendants' answer. Therefore, the Court will deny Plaintiff's motion. He may raise any arguments in his reply brief again at an appropriate time.

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1 In addition, Plaintiff goes into some detail about his attempts to serve Defendants'
2 attorney with a copy of his motion. He does not need to serve Defendants' attorney with anything
3 he files with the Court. As set forth in the Court's First Informational Order, filing a document
4 with the Court is sufficient service of a motion:

5 Once an attorney for a defendant appears in a pro se plaintiff's civil rights action
6 (by filing an answer, a motion to dismiss, a motion for summary judgment, etc.),
7 that attorney's office will receive notice of all filings through the Court's
8 electronic filing system (ECM/ECF). A pro se plaintiff need not serve documents
9 on counsel for a defendant; the date of the electronic Notice from ECM/ECF is
10 the date of service. Local Rule 135(a). However, for purposes of application of
11 the "Mailbox Rule," see *Douglas v. Noelle*, 567 F.3d 1103, 1107 (9th Cir. 2009),
on all documents filed with the Court, the pro se plaintiff must attach a Proof of
Service, indicating the date on which the filing was turned over to prison
authorities. A document submitted without proof of service may be
stricken/returned or if filed after the deadline, deemed not timely filed.

12 (ECF No. 3 at 4).

13 Accordingly, Plaintiff's motion for leave to file a reply brief (ECF No. 21) is HEREBY
14 DENIED.

15 IT IS SO ORDERED.

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17 Dated: November 17, 2020

/s/ Eric P. Shoup
UNITED STATES MAGISTRATE JUDGE